

RESPONSE  
SN 09/770,662  
PAGE - 4 of 7 -

### **REMARKS**

In the Office Action, the Examiner noted that claims 1-3 and 5 are pending in the application and that claims 1-3 and 5 are rejected. In view of the following discussion, the Applicant submits that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicant believes that all of these claims are now in condition for allowance.

#### **I. REJECTION OF CLAIMS 1-3 AND 5 UNDER 35 U.S.C. §103**

The Examiner rejected claims 1-3 and 5 as being made obvious by Amrany et al. (United States patent 6,192,109, issued February 20, 2001, hereinafter Amrany). The rejection is respectfully traversed.

Amrany teaches a method and apparatus for improved DSL communication. More specifically, the reference teaches an xDSL modem that is configured to generally transmit at high data rate, but will reduce its data transmission rate in response to one or more sensed conditions. Amrany also discloses a prior art communication system that comprises a central office that is connected to a customer premise by way of a local loop. The central office contains a POTS splitter that transmits a signal to a second POTS splitter that resides at the customer premise. The second POTS splitter includes a low pass filter that enables the device to protect the POTS equipment and xDSL communication device located at the customer premise from high frequency transmissions (See column 5, lines 4-30 and Figure 2).

The Examiner's attention is directed to the fact that Amrany fails to disclose or suggest a method and system for providing xDSL/POTS line sharing for multiple subscribers as recited in claims 1 and 5. Namely, Amrany does not teach the splitting of the xDSL services from the POTS services at a remote location for a plurality of subscribers. Specifically, Applicant's claims 1 and 5 positively recite:

1. A method for providing xDSL/POTS line sharing for multiple subscribers, the method comprising the steps of:
  - (a) accessing a telephone line supporting POTS services destined to a first subscriber;
  - (b) multiplexing xDSL services with said POTS services over said telephone line for delivery to a second subscriber; and

RESPONSE  
SN 09/770,662  
PAGE - 5 of 7 -

(c) splitting the xDSL services from the POTS services at a remote location outside a residence of at least one said subscriber. (Emphasis added)

5. A system providing POTS/xDSL line sharing for multiple subscribers over a single telephone line, the system comprising:

(a) a xDSL interface located at or near a central office for sending to and receiving xDSL signals from a first subscriber;

(b) a POTS interface located at or near the central office for sending to and receiving POTS signals from a second subscriber;

(c) a splitter/coupler for multiplexing both xDSL and POTS signal over a single telephone line and for splitting xDSL and POTS signals received over said telephone line; and

(d) a second splitter located at a remote location outside a residence of at least one of said subscribers for separating said POTS signals from said xDSL signals and for forwarding said POTS signals to the second subscriber. (Emphasis added)

The Applicant's invention claims a method for providing xDSL/POTS line sharing for multiple subscribers. Specifically, the invention entails the multiplexing of xDSL services and POTS services at a central office for the eventual delivery to a plurality of different subscribers over the same twisted wire pair. The multiplexed signal is ultimately split at a remote location outside a residence of at least one subscriber (e.g., see Figure 3) in a fashion that permits one subscriber to receive POTS service and ultimately another subscriber to receive xDSL services, or vice versa.

The Applicant contends that Amrany teaches away from the claimed invention. There is no teaching or suggestion in Amrany of splitting of the xDSL services from the POTS services respectively intended for two different subscribers (e.g., two different customer premises). Instead, Amrany teaches and suggests that the splitting of the xDSL services from the POTS services are performed for the same subscriber or same customer premise (see Amrany, column 5, lines 4-64). Similarly, FIGs. 2 and 3 depict a single premise with a plurality of devices, each receiving either a POTS signal or xDSL signal. This configuration is different from the present invention, which provides xDSL and POTS service to different premises via a single signal. The specification or drawings of Amrany do not teach or suggest this configuration. Thus, the §103 rejections of claims 1 and 5 are improper and should be withdrawn. Therefore, the Applicant submits that claims 1 and 5 are not made obvious by Amrany and thus fully satisfy the requirements of 35 U.S.C. §103.

RESPONSE  
SN 09/770,662  
PAGE - 6 of 7 -

Dependent claims 2 and 3 depend, either directly or indirectly, from claim 1 and recite additional features thereof. As such and for the exact same reasons set forth above, the Applicant submits that claims 2 and 3 are not made obvious by the teachings of Amrany. Therefore, the Applicant submits that claims 2 and 3 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

## **II. NEW CLAIMS**

The Applicant has added new independent claim 6, and new claims 7-8 which depend from new claim 6. New claims 6-8 recite a system for providing xDSL/POTS line sharing for multiple subscribers. The Applicant submits that new claims 6-8 are allowable, because, as discussed above, none of the references cited by the Examiner teach or suggest a system provides xDSL/POTS line sharing for multiple subscribers.

Thus, the Applicant submits that new claims 6-8 are patentable and respectfully request allowance thereof.

## **III. CONCLUSION**

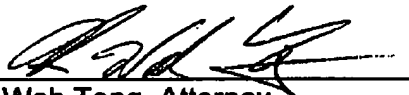
Thus, Applicant submits that none of the claims presently in the application are unpatentable under the provisions of 35 U.S.C. §103. Consequently, Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Date

1/18/05

  
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